



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

SMC

Docket No: 04602-00

9 November 2000

RM [REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 28 August 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. The Board found nothing in Bureau of Naval Personnel Instruction 1610.10 to the effect that a mark of "1.0" in "Military Bearing/Character" requires assigning a promotion recommendation of "Significant Problems." In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

4602-00

1610
PERS-311
28 August 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: RM [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his performance evaluation for the period 16 December 1998 to 28 October 1999.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The member did not desire to submit a statement. Per reference (a), Annex S, S-8, the member may submit a statement within two years from the ending date of the report.

b. The report in question is a Detachment of Individual/Regular report. The member alleges the promotion recommendation is invalid or a different trait grade in "Military Bearing/Character" should be assigned.

c. Per reference (a), Annex A, a promotion recommendation of "Progressing" may not be assigned if an advancement recommendation is already in effect in current grade. The performance evaluation prior to the report in question was a Detachment of Individual/Promotion/Frocking/Regular report closing out the evaluation record in the lower rate. Therefore, the promotion recommendation of "Progressing" is authorized, as the member had no promotion recommendation for the next higher grade.

d. The member does not prove the report to be unjust or in error.

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3. We recommend the member's record remain unchanged.



Head, Performance
Evaluation Branch